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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,822	08/10/2001	Christian L. Kuiawa	026808-001500US	6244
20350 7590 04/11/2008 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
PITARO, RYAN F				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
04/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/927,822

Applicant(s)

KUIAWA ET AL.

Examiner

RYAN F. PITARO

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-11,13-18 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-11,13-18 and 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-884)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

1. This action is responsive to Amendment E filed, 2/27/2008. Claims 2-3,5-11,13-18,22-26 are pending in this application. The finality of the previous rejection has been withdrawn; however, this action is final.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 2-3,5,10, 11,13,17,22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al ("Anderson", US 5,961,604) in view of McIntyre et al ("McIntyre", US 6,299,538) and in view of Richardson ("Richardson", US 6,271,845) in view of Kumamoto et al ("Kumamoto", US 6,970,167).

As per claim 2, Anderson teaches a system coupled to a plurality of uninterruptible power supply (UPS) devices, which are being monitored by the system, the system including a display, a method of monitoring diagnosed states of the devices comprising: displaying a monitoring icon with a normal indication if each operating characteristic, of the UPS devices being monitored by the system is diagnosed to be in a normal state (Figure 7 item 220, OK); and displaying the monitoring icon with an

abnormal indication if at least one of the UPS operating characteristics being monitored by the system is diagnosed to be in an abnormal state (Figure 7 item 220, Alarm).

Anderson does not distinctly teach an icon. However, McIntyre teaches an icon reflecting the status (Column 15 line 40 – Column 16 line 2). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of status icons of McIntyre with the system of Anderson. Motivation to do so would have been to visually depict the problem by looking at the icon. Anderson-McIntyre fails to distinctly point out a single monitoring icon for a plurality of devices. However, Richardson teaches a single monitoring icon for a plurality of devices (Column 4 lines 20-46, Column 10 lines 44-60) with an abnormal indicating appearance (Figures 9-13, Column 11 8-45, different colors for different levels of problems). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Richardson with the system of Anderson-McIntyre. Motivation to do so would have been to provide a simple way to monitor the health of a group of devices. Anderson-McIntyre-Richardson fails to teach prioritizing abnormal states. However, Kumamoto teaches the method further comprising: prioritizing the multiple levels of the abnormal states; and displaying the monitoring icon with the abnormal indication associated with a first level of higher priority when a first UPS device of the UPS devices is at the first level of priority and a second UPS device of the UPS devices is at a second level of priority lower than the first level (Column 8 lines 6-34 and Column 9 lines 1-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of a priority status of Kumamoto with the system of Anderson-McIntyre-

Richardson. Motivation to do so would have been to detect the severity of a problem with just a glance.

As per claim 3, Anderson-McIntyre-Richardson-Kumamoto teaches the method further comprising: diagnosing the abnormal state of the at least one UPS device as one of multiple levels of abnormal states (McIntyre, Column 15 line 40 – Column 16 line 2); associating each level of abnormal state with a different abnormal indication (McIntyre, Column 15 line 40 – Column 16 line 2); and displaying the monitoring icon with the abnormal indication associated with the diagnosed level of abnormal state of the UPS device (McIntyre, Column 15 line 40 – Column 16 line 2).

As per claim 5, the method of Anderson-McIntyre-Richardson-Chin teaches the method as recited in claim 2, further comprising: opening a dialog window when the monitoring icon is selected (Richardson Column 11 lines 29-67) and displaying in the dialog window a list of at least a portion of the UPS devices being monitored and corresponding states of at least some of the UPS devices on the list (Richardson, Column 11 lines 45-67).

Independent claims 10 and 17 are similar in scope to independent claim 2, and are therefore rejected under similar rationale.

Claim 11 is similar in scope to claims 3, and is therefore rejected under similar rationale.

Claim 13 is similar in scope to claim 5, and is therefore rejected under similar rationale.

Claims 22-24 are individually similar in scope to that of claim 5 and are therefore rejected under similar rationale with the exception of displaying an icon in the system tray. However, OFFICIAL NOTICE is taken that displaying icons in the system tray is notoriously well known in the art since this is the purpose of the system tray. Therefore it would have been obvious to an artisan at the time of the invention to combine the current teaching with the method of Anderson-McIntyre-Richardson-Chin. Motivation to do so would have been to provide notification to a user even when the user is not operating in the window of the application.

4. Claims 6-9,14-16,18,25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al ("Anderson", US 5,961,604) in view of McIntyre et al ("McIntyre", US 6,299,538) and in view of Richardson ("Richardson", US 6,271,845) in view of Kumamoto et al ("Kumamoto", US 6,970,167) in view of Chin et al ("Chin US 6,456,306).

As per claim 6, the method of Anderson-McIntyre-Richardson-Kumamoto teaches the method as recited in claim 5, the method of Anderson-McIntyre-Richardson-Kumamoto fails to distinctly point out selecting a device and causing a function to be performed. However, Chin teaches a method comprising: receiving an input selecting a UPS device from the list (Chin, col.6, lines 55-58), displaying a menu upon selection of a UPS device from the list, the menu comprising at least one UPS management function; receiving an input selecting a UPS management function from the menu; and causing the UPS management function to be performed on the selected UPS device (Chin, Column 8, lines 55-67; menu is only operable after selecting a device from the list). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Chin with the method of Anderson-McIntyre-Richardson-Kumamoto. Motivation to do so would have been to provide a simplistic way to interact with each device in a management/monitoring atmosphere so that an administrator can resolve a particular issue upon notification.

As per claim 7, the method of Anderson-McIntyre-Richardson-Kumamoto-Chin teaches the method as recited in claim 6, further comprising: opening a status window; and displaying in the status window at least one event associated with the state of a UPS device when the UPS device is selected from the list of UPS devices (Richardson, Column 11 lines 45-67, and Figure 12 Anderson Figure 7).

As per claim 8, the method of Anderson-McIntyre-Richardson-Kumamoto-Chin teach the method as recited in claim 7, further comprising: displaying a selectable analysis icon (Chin, Fig.8, section 870-ANALYZE icon); and displaying a power event analysis of a UPS device selected from the list of UPS devices when a power event analysis icon is selected (Anderson, Figure 7, item 222).

As per claim 9, the method of Anderson-McIntyre-Richardson-Kumamoto-Chin teach the method as recited in claim 8, further comprising: displaying a selectable analysis icon (Chin, Fig.8, section 870-ANALYZE icon and displaying a voltage analysis of a UPS device selected from the list of UPS devices when the voltage analysis icon is selected (Anderson, Figure 7, item 222).

Claim 14 is similar in scope to claim 7, and is therefore rejected under similar rationale.

Claims 15-16 are similar in scope to claims 8-9 respectively, and are therefore rejected under similar rationale.

As per claim 18, the method of Anderson-McIntyre-Richardson-Kumamoto-Chin teach the system of claim 16 further comprising means for diagnosing the state of a UPS device operably coupled to the system (Anderson, Figure 7).

As per claim 25, Anderson-McIntyre-Richardson-Kumamoto-Chin teaches the method wherein displaying the monitoring icon with the first abnormal indicating appearance associated with the first level of abnormal priority when a first operational characteristic of the first UPS device is at the first level of abnormal priority (Chin, Column 6, lines 46-64, Figure 6, Richardson, Column 11 lines 8-45) and a second operational characteristic of the first UPS device is at the second level of abnormal priority (Chin, Column 6, lines 46-64, Figure 6, Richardson, Column 11 lines 8-45, Column 12 lines 27-45).

As per claim 26, Anderson-McIntyre-Richardson-Kumamoto-Chin teaches a method wherein the processor is further configured such that the monitoring symbol will have the second appearance with the first operating characteristic of the first of the UPS devices being at the high-priority second state level and a different operating characteristic of the first of the UPS devices being at the low priority second level state (Richardson, Column 11 lines 8-45, Column 12 lines 27-45, different colors).

Response to Arguments

Applicant's arguments with respect to claims 2-3,5-11,13-18,22-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN F. PITARO whose telephone number is (571)272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. F. P./
Examiner, Art Unit 2174

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174